



3626
JL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rosalind Herman et al.

Examiner: Rachel L. Porter

Serial No. 09/873,864

Art Unit: 3626

Filing Date: June 4, 2001

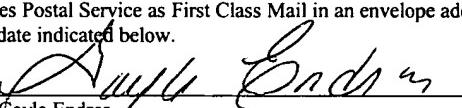
Title: FOUNDATION FUNDS GENERATION SYSTEM AND METHOD

Attorney Docket No.: 60697-015 (NFRK-001)

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

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Date: 12/27/04



Gayle Endres

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for filing in connection with the above-identified patent application are the following:

- 1) Response to Restriction Requirement; and
- 2) Acknowledgment Postcard.

Respectfully submitted,



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Date: December 27, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Herman, *et al.*
Filing Date: June 04, 2001
Application Serial No.: 09/873,864
Title: FOUNDATION FUNDS GENERATION SYSTEM AND METHOD
Art Unit: 3626
Examiner: R. Porter

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December 27, 2004
Date

Gayle Endres

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

In response to the Restriction Requirement dated November 24, 2004, in the above-identified patent application, Applicants elects to prosecute claims 2-4, 7-14, 16-19 and 21-32. According to the Restriction Requirement, independent claim 30 is “generic” and its dependent claims 5 (and its dependent claim 6) and dependent claims 10 and 14 “are directed to different species of the generic feature of loan amounts in procuring life insurance policies.” Beyond that, the Restriction Requirement does not identify “groups” of claims. The Applicant elects the species including claim 14. This election is made with traverse.

Applicant asserts that the species of claims 5 and 6 are not patentably distinct from the species of claim 14. Independent claim 30 requires in part C borrowing a “loan amount” to procure life insurance policies. Claim 5 requires that the term for repaying that loan (or “loan term”) include a “first period” and a “second period”, and further defines requirements for repaying the loan established in claim 30, as described with respect to FIG. 4. Other loans have a type of two period structures. For example, many require payment of interest for a first period, before payment of premium occurs in a second period. Because similar structures can be found

In re Application of: Herman *et al.*
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for other types of loans, in other contexts, applicant believes that the species of claims 5 (and 6) is not patentably distinct from the species of claim 14, and the restriction requirement should be withdrawn.

Applicant asserts that the species of claims 10 is not patentably distinct from the species of claim 14. the invention of the corresponding independent claim 30. Independent claim 30 requires in part C borrowing a “loan amount” to procure life insurance policies. Claim 10 requires that part of an initial premium from loan amount of claim 30 be used for “procuring the mortality guarantee”. Borrowing to pay an insurance premium is not a patentably distinct concept. This is routinely done. Because similar approaches can be found for funding other types of insurance, applicant believes that the species of claim 10 is not patentably distinct from the species of claim 14, and the restriction requirement should be withdrawn.

Applicant contends that claim 30 is not generic, it is patentably distinct over the prior art and that claims 5 (and 6), 10 and 14, merely add limitations thereto that do not create different patentable species. Prior office actions never raised the notion that original claim 1 (which was replaced by similar claim 30) was generic, and claim 30 is no more generic than original claim 1 in scope. Thus, for these additional reasons, the restriction requirement should be withdrawn.

Accordingly, Applicant contends that the restriction requirement under is improper in the present application and requests its withdrawal. No fee is believed to be due. Please charge any additional fees which may be due, or credit any overpayment, to Deposit Account Number 50-1133.

The Examiner is invited to telephone the undersigned attorney to discuss any aspect of this application or this response.

Respectfully submitted,

Date: December 27, 2004


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